

REMARKS

This application has been reviewed in light of the Office Action dated May 25, 2005. Claims 1-8, 21-28, 41-48, 74 and 76-79 are presented for examination. Claims 1, 2-6, 8, 21-28, 41-48, 74 and 76-79 have been amended to define still more clearly what Applicant regards as his invention. Claims 9-19, 29-39, 49-59 and 75 have been canceled without prejudice or disclaimer of subject matter, and will not be mentioned further. Claims 1, 21 and 41 are in independent form. Favorable reconsideration is respectfully requested.

In the Office Action, Claims 1-8, 21-28, 41-48, 74 and 76-79 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,804,019 B2 (Shiohara)

Independent Claim 1 is directed to a server capable of communicating with a device. The server of Claim 1 comprises first and second storage units, the first being adapted to store information representing an ability of the device, and the second, to store information representing an ability of a device driver for the device. A retrieval condition reception unit receives a retrieval condition for selecting the device, and a comparing unit compares that retrieval condition with combined information that is formed by combining the information stored by the first storage unit and the information stored by the second storage unit. Also provided is an output unit adapted to output the result of that comparison.

Thus, when a request is received to identify a device capable of performing a given job (for example, a printer capable of performing a job in which it is specified that the output is to be double-sided and 2-up printing), the server of Claim 1 compares the requirements of the request with the mentioned combined information, which for each device combines both information about the device's own capabilities, and the capabilities

of the device's driver. As a result, even if the device itself is not able to fulfill all the conditions set in the request, if the rest of those conditions can nonetheless be fulfilled as a result of the capabilities of the driver, then that device is a candidate for performing the job in question.

For example, it is assumed that the retrieval condition is "double-sided printing and 2-up printing". In this case, if the ability of a certain device includes a double-sided printing function but does not include an N-up printing function, if the capabilities of the device driver corresponding to that device do include the N-up printing function, then that device can be selected as satisfying the retrieval conditions.

Shiohara relates to a technique of simplifying the work involved in setting a printer driver in a host computer. *Shiohara* uses a first and a second management table, of which the first identifies which module configuration information is stored in the system (see Fig. 3A), while the second table stores information indicating which execution modules are available in the system (see Fig. 3B). As discussed in *Shiohara*, and in particular in the passages cited in the Office Action, if the system lacks a given module configuration file needed when a new printer is added to the network or when a new unit is used as a replacement for an older, different one, this fact can be quickly determined by consulting the first management table, and in such instance the needed file is obtained directly from the newly added device itself (see col. 4, lines 9-42).

Similarly, if it is determined that a needed execution module is not available (and this is done by referring to the second management table), then the needed module can be requested from another host, or some other source, or the decision can be made to execute the job using only those execution modules that are available, even though this

means that the job will not be performed in exactly the intended manner (see col. 4, line 43, through col. 5, line 19).

More specifically, in the *Shiohara* system, if the user selects the printer, it is determined whether or not the module configuration information corresponding to the selected printer exists on the first management table. Then, if it is determined that the corresponding module configuration information exists on the first management table, it is further determined based on the relevant module configuration information whether or not the execution module exists on the second management table.

In *Shiohara*, thus, the purpose of using the first management table is quite different from that of using the second management table. There is in fact no reason for the data of the first management table to be combined with the data of the second management table, and, even if such a combination were somehow obtained, there is still no suggestion of such data ever being compared with a certain condition.

Applicant submits that nothing has been found, or pointed out, in *Shiohara* that would teach or suggest the recited comparing unit, which compares the contents of a received service request with combined information obtained by combining first information stored in a first storage unit and second information stored in a second storage unit. Indeed, nothing in *Shiohara* is seen to suggest that the first and second management tables should ever be combined, or that any portion of their contents should be combined. Much less does anything in that patent suggest making a comparison of a received service request with the results of such comparison.

Accordingly, it is believed to be clear that Claim 1 is allowable over *Shiohara*.

Independent Claims 21 and 41 method and program claims, respectively, corresponding to server Claim 1, and are believed to be patentable for at least the same reasons as discussed above in connection with Claim 1.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as a reference against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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